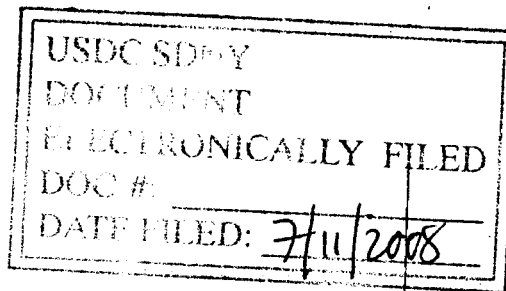


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FAX NO.

P. 01/07



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BUFFETS, INC.,

Plaintiff,

v.

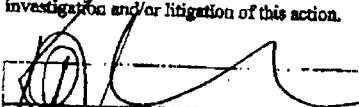
OLD TOWN BUFFET RESTAURANT, INC.,

Defendants.

Civil Action No. 07-Civ-7029 (WHP)

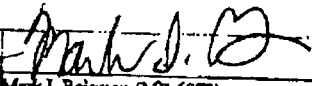
STIPULATION OF DISMISSAL WITHOUT PREJUDICE

The parties have entered into an agreement settling this case. Therefore, by their undersigned representatives, the parties hereby stipulate to the dismissal, without prejudice, of all claims asserted in the above-captioned action pursuant to Rule 41(e)(1) of the Federal Rules of Civil Procedure. Each party to this agreement shall be responsible for payment of its respective costs, expenses, disbursements and attorneys fees, and all other expenses related to the investigation and/or litigation of this action.


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ATTORNEYS FOR PLAINTIFF

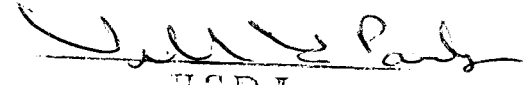
Dated:


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ATTORNEYS FOR DEFENDANT

Dated: 5/29/08

CO CERTIFICATE


William H. Pauley III